

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

TIMOTHY MITCHELL and ANISSA  
MITCHELL (h/w)

Plaintiffs

v.

STARBUCKS CORPORATION

Defendant

CIVIL ACTION

Case No. \_\_\_\_\_

JURY TRIAL DEMANDED

To: Christopher J. Boyle, Esquire  
8 Penn Center, Suite 1001  
1628 John F. Kennedy Blvd.  
Philadelphia, PA 19103

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that on May 30, 2022, Defendant Starbucks Corporation filed in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania the within Notice of Removal.

The Notice of Removal is also being filed with the Court of Common Pleas of Philadelphia County pursuant to 28 U.S.C. §1446(d).

A Praecipe to Remove the case from the Philadelphia County docket will be filed after the Federal Court assigns this matter an appropriate civil action number.

Respectfully submitted,

CIPRIANI & WERNER, P.C.

By:



Salvatore Vilardi, Esquire  
PA ID# 84718  
450 Sentry Parkway, Suite 200  
Blue Bell, PA 19422  
(610) 567-0700 telephone  
(610) 567-0712 facsimile  
*Attorney for Defendant*  
Starbucks Corporation

Date: May 26, 2022

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

TIMOTHY MITCHELL and ANISSA  
MITCHELL (h/w)

Plaintiffs

v.

STARBUCKS CORPORATION

Defendant

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**NOTICE OF REMOVAL**

Defendant Starbucks Corporation hereby files the within Notice of Removal to the United States District Court for the Eastern District of Pennsylvania, stating as follows:

**Alleged Facts:**

1. On or about May 3, 2022, Plaintiff filed a Complaint against Starbucks Corporation in the Court of Common Pleas of Philadelphia County, Pennsylvania under docket number 220101321. True and correct copies of Plaintiff's Complaint and the Electronic Docket of the Court of Common Pleas of Philadelphia County are attached hereto and marked as Exhibits "A" and "B," respectively.

2. This action involves an incident that allegedly occurred when a third person, not a customer or employee of Starbucks, physically attacked Plaintiff while Plaintiff was inside Starbucks. *See* Exhibit "A," ¶¶ 7 - 8.

3. In the Complaint, Plaintiff alleges that while "inside Starbucks after purchasing coffee, Mr. Mitchell was violently attacked by a third person who was not a customer of Starbucks." *See* Exhibit "A," ¶8.

4. Plaintiff is demanding judgment against Defendant Starbucks on theories of negligence and recklessness for an amount in excess of \$50,000.00. *See* Exhibit “A.”

5. Plaintiff’s wife, Anissa Mitchell, alleges that as a result of the same set of circumstances, she lost the services and companionship of her husband. *See* Exhibit “A,” ¶45.

6. Plaintiff’s wife is demanding judgment against Defendant Starbucks for loss of consortium for an amount in excess of \$50,000.00. *See* Exhibit “A.”

**Diversity of Citizenship:**

7. Both Plaintiffs, based on information and belief, and as pled in the Complaint, are citizens of the Commonwealth of Pennsylvania.

8. Plaintiff alleges in his Complaint that Starbucks Corporation is a “corporation organized and existing under the laws of Washington with an address of 2401 Utah Ave. S. Suite 800, Seattle, WA 98134.” *See* Exhibit A, ¶5.

9. Starbucks Corporation is a Washington corporation with its principal place of business located at 2401 Utah Avenue South, Seattle, WA 98134.

10. Accordingly, because Plaintiff and Defendant Starbucks Corporation are citizens of different states, complete diversity of citizenship exists between the parties in accordance with 28 U.S.C. § 1332, and 28 U.S.C. § 1441.

**Amount in Controversy:**

11. In his Complaint, Plaintiff seeks to recover for injuries including, *inter alia*, multiple fractures of the left zygomatic maxillary complex consistent with a tripod fracture, a fracture of the left nasal bone, along with related injuries to his bones, joints,

and tendons, ligaments, muscles and soft tissues and aggravation of pre-existing conditions, with some of the injuries being permanent in nature. *See* Exhibit A, ¶11.

12. Plaintiff alleges that he needed surgical treatment and also sustained embarrassment and humiliation and loss of life's pleasures as a result of the injuries. *See* Exhibit A, ¶12, 13.

13. Plaintiff seeks to recover various sums of money expended and expected to be expended, for medical treatment and expenses. *See* Exhibit A, ¶28.

14. Plaintiff's allegations of physical and psychological injury with permanency, make this a claim where a verdict could reach above \$75,000.00, the jurisdictional threshold.

15. Plaintiff's wife is also seeking damages in excess of \$50,000 for loss of consortium. *See* Exhibit A, ¶45.

16. The present action is a civil action over which this Court has original jurisdiction by virtue of the diversity of citizenship of the parties pursuant to 28 U.S.C. §1332.

17. In accordance with §1332, this case involves (a) injuries that, as alleged, will exceed \$75,000.00, exclusive of interest and costs; and (b) is between citizens of different states. 28 U.S.C. § 1332(a)(3).

18. Additionally, in accordance with applicable Federal Rules of Civil Procedure and/or Statutes, namely 28 U.S.C.A. §1446(b), this Notice of Removal was filed within thirty (30) days after Defendant received service of Plaintiff's Complaint. *See Johnson v. Vertis, Inc.*, 2002 WL 31388817 (E.D. Pa.)(citing 28 U.S.C. § 1446(b)).

19. Accordingly, pursuant to 28 U.S.C. §1332, this is a civil action that may be removed by Defendant, Starbucks Corporation, and over which this Court has original jurisdiction.

**WHEREFORE**, Defendant, Starbucks Corporation, respectfully requests that the aforementioned civil action commenced against it be removed to this Court for all further proceedings.

Respectfully submitted,

CIPRIANI & WERNER, P.C.

By:

A handwritten signature in cursive script, reading "Salvatore Vilardi".

Salvatore Vilardi, Esquire  
PA ID# 84718  
450 Sentry Parkway, Suite 200  
Blue Bell, PA 19422  
(610) 567-0700 telephone  
(610) 567-0712 facsimile  
*Attorney for Defendant*  
*Starbucks Corporation*

Date: May 26, 2022

**AFFIDAVIT**

Salvatore Vilardi, Esquire, being sworn according to law deposes and says that he is counsel for Petitioner Starbucks Corporation in the within matter; and that he has read the foregoing Notice for Removal and believes it to be true and correct, to the best of his knowledge, information and belief.

Respectfully submitted,

CIPRIANI & WERNER, P.C.

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*Attorney for Defendant*  
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Date: May 26, 2022